

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LOCAL #46 METALLIC LATHERS UNION AND  
REINFORCING IRON WORKERS WELFARE TRUST,  
ANNUITY FUND, PENSION FUND, APPRENTICESHIP  
FUND, VACATION FUND and SCHOLARSHIP FUND  
and TONY D'AMICO in his fiduciary capacity  
as Director of the LOCAL #46 METALLIC  
LATHERS UNION AND REINFORCING IRON WORKERS  
WELFARE TRUST, ANNUITY FUND, PENSION FUND,  
APPRENTICESHIP FUND, VACATION FUND and  
SCHOLARSHIP FUND

Civil Action No  
CV-04-4249 (ARR)

And

JUDGMENT BY  
DEFAULT

ROBERT LEDWITH, as Business Manager of  
the LOCAL #46 METALLIC LATHERS UNION AND  
REINFORCING IRON WORKERS and in his  
fiduciary capacity as a Trustee of the  
POLITICAL ACTION FUND and IRON WORKERS  
POLITICAL EDUCATION FUND

PLAINTIFF  
IN CLEARED FOR JUDGMENT  
U.S. DISTRICT COURT - ALBANY  
★ DEP 15 2004 P

Plaintiffs,

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

-against-

BREVOORT CONSTRUCTION INC  
and MICHAEL WHITE

Defendants

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This action having been commenced by the filing of a  
summons and complaint on October 1, 2004 and copies of the  
summons and complaint having been served by Steven C Avery on  
the defendant BREVOORT CONSTRUCTION INC by serving two true  
copies on Ms Carol Vogt of The Office of the Secretary of State  
at 41 State Street, Albany, NY 12231 on October 25, 2004 MICHAEL  
WHITE could not be served and this action is discontinued without

prejudice against him. Said defendant BREVOORT CONSTRUCTION INC. has failed to appear, answer or otherwise defend in this action within the time permitted by law,

NOW, on motion of Kaming & Kaming, attorneys for plaintiffs, by Joseph S. Kaming, it is

ORDERED, ADJUDGED AND DECREED that plaintiffs have judgment for an order against defendant corporation compelling defendant corporation to cooperate and permit an audit of the books and records of the defendant corporation pursuant to the Collective Bargaining Agreement between the defendant BREVOORT CONSTRUCTION INC. and Local #46 Metallic Lathers Union And Reinforcing Iron Workers for the period January 1, 2001 to present and continuing and to make required contributions; plus costs and disbursements of this action in the amount of \$240.00; plus attorneys' fees in the amount of \$1,200.00, amounting in total to \$1,440.00.

Dated: New York, New York  
Sept 9, 2005

 , U.S.D.J.